

June 30, 2016

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WC Docket 14-58
2017 FCC Form 481
Request for Confidential Treatment Pursuant to 47 C.F.R. § 0.459

Dear Ms. Dortch:

NEP Cellcorp, Inc. ("NEP") requests that portions of its completed FCC Form 481 submitted June 30, 2016 to USAC, and filed electronically today in redacted format in WC Docket No. 14-58, be granted confidential treatment pursuant to Sections 0.457 and 0.459 of the Commission's Rules, 47 C.F.R. §§ 0.457, 0.459, and pursuant to 5 U.S.C. § 552(b)(4). Specifically, NEP requests that portions of its Progress Report on Quality Improvement Plan Progress, Use of Support and Additional Five Year Outlook (the "Report") be withheld from public disclosure to avoid competitive harm and maintain the confidentiality of sensitive company information.

The telecommunications industry in general, and the wireless communications industry in particular, are energetically competitive. The services provided by NEP cut across industry segments, including wireline, wireless and cable services. Voice and data services are available from a number of sources, and competition is keen in areas served by NEP. NEP's Report contains information related to capital and operating expenditures and confidential build-out plans that would provide competitors with a virtual diagram of current company service strategies and plans for future service provision. Furthermore, this information is not customarily disclosed to the public or made available generally. Accordingly, confidential treatment should be granted.

NEP's request is consistent with the requirements of Section 0.459(b) of the Commission's Rules. Specifically, NEP demonstrates the following:

(1) Identification of the specific information for which confidential treatment is sought:

NEP has specifically and narrowly identified commercially sensitive information in the redacted version of the Report, attached hereto as Exhibit 1. The unredacted version of the Report, filed herewith, bears the legend, "Confidential Information."

(2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission:

The specific information for which confidential treatment is sought is required by 47

C.F.R. §§ 54.313 and 54.202(a), and is submitted in WC Docket No. 14-58.

(3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged;

As noted above, NEP operates in a highly competitive environment. The narrowly-defined information to be protected constitutes highly confidential commercial and financial information, the disclosure of which would cause competitive harm. In addition, disclosure of such information would likely impair the government's ability to obtain similar necessary information in the future. These two criteria are recognized as justifying the protection of confidential information. *See, e.g., Nat'l Parks and Conservation Ass'n v. Morton*, 498 F.2d 764 (D.C.Cir.1974).

(4) Explanation of the degree to which the information concerns a service that is subject to competition:

Telecommunications services are provided in vigorously competitive markets.

(5) Explanation of how disclosure of the information could result in substantial competitive harm:

In highly competitive markets, such as telecommunications, competitors must react quickly to market forces. But in capital-intensive industries, such as telecommunications, build-out requirements introduce a substantial lag between identification of potential markets and service to those markets. Financial and build-out plans therefore reflect critical elements in planning market position. Accordingly, release of this information would provide an unfair advantage to competitors.

(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure:

NEP does not release the subject information to the public. The company uses standard methods to protect this information from release or publication. In addition, access to this information within the company is restricted to personnel with a need for such access.

(7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties:

The information is not made available to the public and is not disclosed to third parties, except under confidentiality agreements or to confidential advisors, or pursuant to law under a request for confidential treatment.

(8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure:

NEP requests that the information be afforded confidential treatment indefinitely. Such treatment is warranted due to the highly confidential nature of the information and its potential to give a rival an unfair advantage in a highly competitive market.

For the foregoing reasons, NEP requests that identified portions of the Report be treated as confidential under the Commission's Rules and shielded from public inspection. Furthermore, NEP requests that distribution within the Commission be limited to a "need to know" basis.

In the event that access to this information is requested, NEP requests immediate notification to allow it to register its opposition, or to take such other steps as may be necessary to protect its interests.

Thank you for your attention to this matter. Should you or any member of the Commission Staff have any questions or comments, please do not hesitate to contact us at your convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Kulasinsky', written over a horizontal line.

Rick Kulasinsky

Wireless Engineering & Operations Manager